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July 1, 2002

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CPA/1633

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David J. Kulik
202.719.7313
dkulik@wrf.com

VIA HAND DELIVERY

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, DC 20231

Box: CPA

Re: New U.S. Continued Prosecution Application
Inventors: Michel Perricaudet *et al.*
Title: Medicinal Combination Useful for In Vivo Exogenous Transfection
Prior Appl. Serial No.: 08/894,246; Filed May 22, 1998
Attorney Docket: EX95001-US

Dear Sir:

Applicants submit herewith a Request for Continued Prosecution Application for the above-identified application. The following documents are attached:

- 1) Continued Prosecution Application Request Transmittal Form (2 pages), requesting entry of the Response filed February 15, 2002 (in duplicate);
- 2) Fee Transmittal Form (in duplicate);
- 3) Two (2) Credit Card Payment Forms, covering the CPA Filing Fee together with the Extra Claim fee, and separately covering the Extension of Time Fee;
- 4) Request for Extension of Time;
- 5) Copy of Response dated February 15, 2002;
- 6) Return receipt postcard.

If any fees are required to process this Request or the accompanying Request for Extension of Time and are not accounted for, or if any other fees are required to enter and consider this paper and the accompanying papers, the undersigned hereby authorizes the Commissioner to charge Deposit Account No. 50-1129.

Respectfully submitted,

David J. Kulik
Reg. No. 36,576

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

JUL 01 2002

FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 2612.00)

Complete if Known

Application Number	08/894,246
Filing Date	05/22/1998
First Named Inventor	Michel Perricaudet et al.
Examiner Name	Shin-Lin Chen
Group Art Unit	1633
Attorney Docket No.	EX95001-US

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METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																														
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number <input type="text" value="50-1129"/></p> <p>Deposit Account Name <input type="text" value="Wiley Rein & Fielding, LLP"/></p> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for ex parte reexamination</td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	David J. Kulik	Registration No. (Attorney/Agent)	36,576	Telephone 202-719-7000
Signature		Date	07/01/2002	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable
 DUPLICATE

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7-5-02
P.2

Address to:
Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. of Prior Application	EX95001-US
First Named Inventor	Perricaudet et al.
Examiner Name	Shin-Lin Chen
Group Art Unit	1633
Express Mail Label No.	

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JUL 5 2002

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This is a request for a continuation or divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 08/894,246
filed on May 22, 1998, entitled Medicinal Combination Useful for In Vivo Exogenous Transfection and Expression

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on February 15, 2002 under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
.....
b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

07/02/2002 SSITHIB1 00000043 501129 08894246

01 FC:131 740.00 OP
02 FC:103 432.00 OP

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01 FC:131 740.00 OP
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JUL 05 2002 SSITHIB1 00000043 501129 08894246
01 FC:131 740.00 OP
02 FC:103 432.00 OP
03 FC:103 432.00 OP

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	44 -20* =	24	x \$ 18 =	\$ 432.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3 -3** =	0	x \$ 0 =	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ _____ =	600/2900
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	1,172.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* <i>Reissue claims in excess of 20 and over original patent.</i>				
	** <i>Reissue independent claims over original patent.</i>			TOTAL =	\$1,172.00

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees:
 Deposit Account No. _____:
 a. Fees required under 37 CFR 1.16.
 b. Fees required under 37 CFR 1.17.
 c. Fees required under 37 CFR 1.18.
 8. A check in the amount of \$ _____ is enclosed.
 9. Payment by credit card. Form PTO-2038 is attached.
 10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months
 (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
 11. New Attorney Docket Number, if desired _____
 [Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
 12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
 b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
 13. Other: Copy of February 15, 2002 Response and Amendment

NOTE:

*The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

14. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)
PATENT TRADEMARK OFFICEor New correspondence address below

Name

Address

City

Country

State

Zip Code

Fax

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	David J. Kulik		
Signature			
Registration No. (Attorney/Agent)	36,576		
Date	July 1, 2002		



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
08/894,246	05/22/1998	1632	2040	EX95001-US	4	1	1

29693
WILEY, REIN & FIELDING, LLP
ATTN: PATENT ADMINISTRATION
1776 K. STREET N.W.
WASHINGTON, DC 20006

CONFIRMATION NO. 8790
CORRECTED FILING RECEIPT



OC00000008417747

Date Mailed: 07/09/2002

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

MICHEL PERRICAUDET, ECROSNES, FRANCE;
MARTIN LEE, PARIS, FRANCE;
LUCIENNE CHATENOUD, PARIS, FRANCE;
HEDI HADDADA, BG LA REIVE, FRANCE;
JEAN-FRANCOIS BACH, PARIS, FRANCE;
MICHELLE WEBB, LONDON, FRANCE;

Domestic Priority data as claimed by applicant

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